



OK TO ENTER: /W.W./

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

CARLE et al

Atty. Ref.: 4662-35; Confirmation No. 3911

Appl. No. 10/543,058

TC/A.U. 1612

Filed: July 21, 2005

Examiner: Webb

For: NOVEL COMPOSITIONS COMPRISING CAROTENOIDS

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March 10, 2009

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO FINAL REJECTION

This is responsive to the Official Action dated December 10, 2008, a Final Rejection. Claims 1-20 are pending in the application; claims 1-19 are under active consideration while newly added claim 20 has been withdrawn from consideration. Counsel understands the examiner's comments on page 2 of the Official Action to indicate that claim 20 is directed to separately patentable and independent subject matter and for this reason has been removed ("restricted") from consideration. However, claim 20 may be rejoined upon allowance of one or more of claims 1-19.

The balance of the Official Action relates to prior art with two separate rejections being offered (and maintained). For the purposes of this response applicants will address the rejection stated on page 3 and continuing onto page 4 as the rejection stated in item 2 relates to dependent claims and applicants submit that these dependents are patentable as they are not made obvious because the limitations of the independent claim are incorporated into these dependent claims. MPEP §2143.03.